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L. S.

BRITISH COLUMBIA.

ANNO TRICESIMO

VICTORIÆ REGINÆ.

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NO. 5.

An Ordinance to prevent the violation of Indian Graves.

[*5th March*, 1867.]

WHEREAS, it is expedient for the preservation of the public peace, to make special provision for the protection of Indian Graves, and articles deposited thereon, and to assimilate the Law affecting such matters in all parts of the Colony of British Columbia; Preamble.

Be it enacted by the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, as follows:

I "The Indian Graves Ordinance, 1865," is hereby repealed. Provided however that all liabilities and penalties imposed and accruing, due under the said repealed Ordinance, and all remedies and punishments for recovering and enforcing the same, shall still, notwithstanding such repeal, remain in full force and effect and be capable of being enforced and inflicted as if such Ordinance were still in force, but not further or otherwise. Repeal of existing Ordinance, with proviso.

II. From and after the passing of this Ordinance, if any person or persons shall steal, or shall, without the sanction of the Government, cut, break, destroy, damage, or remove any image, bones, article or thing, deposited on, in, or near any Indian Grave in this Colony, or induce, or incite any other person or persons so to do, or purchase any such article or thing after the same shall have been so stolen, or cut, broken, destroyed or damaged, knowing the same to have been so acquired or dealt with; every such offender being convicted thereof before a Justice of the Peace in a summary manner, shall for every such offence be liable to be fined a sum not exceeding One hundred dollars, with or without imprisonment for any term not exceeding three calendar months for the first offence, in the discretion of the Magistrate convicting. Imposes a penalty of $100 for removing anything from Indian Graves.

III. In any indictment or other proceeding under this Ordinance, it shall be sufficient for all purposes to state that such grave, image, bones, article or thing is the property of the Crown. Forms of indictment.

IV. If any person or persons so convicted as aforesaid, shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender for such second or subsequent offence, should the convicting Magistrate in his discretion so deem meet, in addition to suffering the aforesaid fine, be committed to the common gaol, there to be kept to hard labour for such term not exceeding six calendar months, as the convicting Justice may think fit. Second offence liable to 6 months imprisonment with hard labour.

V. The Short Title of this Ordinance is "The Indian Graves Ordinance, 1867." Short Title.

Passed the Legislative Council the 20th day of February, A. D. 1867.

CHARLES GOOD, *Clerk.* ARTHUR N. BIRCH, *Presiding Member.*

Assented to, in Her Majesty's name, this 5th day of March, 1867.

FREDERICK SEYMOUR,
Governor.

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